

U.S Department of the Interior
Bureau of Land Management
San Juan Islands National Monument
37 Washburn Place
Lopez, WA 98261

DECISION RECORD
Patos Island Tank Removal

DOI-BLM-OR-134-2015-0024-CX

1. Background

A partially buried tank was identified in the area of the former Assistant Keepers Quarters on Patos Island. The tank, which is lying on its side, is cylindrical and approximately 4 feet in diameter and 18 feet in length. The seam on the exposed surface of the tank is split and poses a safety hazard for visitors who may be walking in the area. Based on visual inspection, the tank appears to be empty. However, since the tank is unidentified, the previous use and contents of the tank are unknown.

The BLM is proposing to remove the tank and fill the remaining void with clean fill from an offsite location. In addition, BLM proposes to sample the soil to evaluate if previous contents within the tank leaked hazardous substances into the soil. If contaminated soil is identified, BLM would remove the soil and replace with clean fill. The area of ground disturbance would be limited to the area of the tank. However, the amount of surface disturbance around the tank would depend on the level, if any, of soil contamination present. This may include soil removal of up to approximately 8 cubic yards within a 5 to 15-foot radius of disturbance around the tank. Certified weed free straw or mulch and native grass seed would be applied on disturbed areas where appropriate. All work would be completed by a contractor. Heavy equipment would likely be used to remove the tank, any potentially contaminated soil, and replace the void with clean fill material.

2. Decision

I have decided to implement the Patos Island Tank Removal project as described in the attached Categorical Exclusion document, DOI-BLM-OR-134-2015-0024-CX, and shown on the attached map. The BLM has made the determination that there are no potential significant impacts to the human or natural environment that would result from implementing this project.



3. Authority and Rationale for Decision

Pursuant to Section 302(b) of the Federal Land Policy and Management Act, the BLM is required “by regulation or otherwise, [to] take any action necessary to prevent unnecessary or undue degradation of the [public] lands” (43 U.S.C. § 1732(b)).

Removal of the identified underground tank and potentially contaminated soil will provide protection for human health and the environment at the site. Taking no action and leaving the underground tank would pose a threat to public health and the environment by not eliminating an exposure to a potential release of a hazardous substance and a tripping hazard.

I have not identified any potential significant impacts to the human or natural environment that would result from implementing this project, as indicated in the attached Categorical Exclusion Documentation (DOI-BLM-OR-134-2015-0024-CX).

4. Coordination and Consultation

Cultural Resource inventories (McAleeer 2005) were conducted in the Area of Potential Effect. BLM and Department of Archaeology and Historic Preservation (DAHP) databases and files were reviewed. Consultation regarding the proposed undertaking was initiated with the DAHP and Lummi Nation on July 22, 2015. DAHP requested development of a Site Protection and Monitoring Plan and finalization of the Determination of Effect. On August 10, 2015, the Lummi Nation requested a cultural resources assessment of the project area. In response, a copy of the inventory report and additional data were provided to the Lummi Nation. On August 13, the Lummi Nation concurred with BLM’s plan for site protection and monitoring and requested notification of the implementation date and notification should additional cultural resources be discovered. On August 24, 2015, BLM submitted a Site Protection and Monitoring Plan to DAHP. On August 26, 2015, DAHP approved the Plan and concurred with a Determination of No Adverse Effect to Historic Properties. With implementation of the Site Protection and Monitoring Plan, significant impacts to cultural resources are not expected to occur.

5. Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals (OHA), in accordance with the regulations contained in 43 CFR, Part 4. To appeal you must file a notice of appeal at the BLM San Juan Islands National Monument, 37 Washburn Place, Lopez, Washington 98261, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the San Juan Islands National Monument as noted above. The BLM does not accept appeals by facsimile or email. The appellant has the burden of showing that the decision appealed from is in error.

My decision is issued in accordance with 43 CFR 3809.803 which states that all decisions under this subpart go into effect immediately and remain in effect while appeals are pending before OHA unless OHA grants a stay under 43 CFR 4.21 (b) of this title.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by OHA, the petition for a stay must accompany your notice of appeal. A petition for a stay of this decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR 4.413); Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205; at the same time the original documents are filed with this office.

/s/ Marcia deChadenedes

Aug 27, 2015

Marcia deChadenedes
Monument Manager

Date

Attached: Project Map
Categorical Exclusion Documentation